

1
2
3
4
5
6
7
8 **United States District Court**
9 **Central District of California**
10

11 BONVIVINO CAPITAL, LLC,
12 Plaintiff,

13 v.

14 MORGAN CLENDENEN; COLD
15 HEAVEN CELLARS, LLC; and DOES
16 1-50 inclusive,
17 Defendants.

Case № 2:12-cv-08185-ODW(FFMx)

ORDER TO SHOW CAUSE RE.
CONTEMPT SANCTIONS

18 On Thursday, October 30, 2014, the Court ordered Defense counsel, Chris
19 Harshman, to complete service electronically or by messenger of all outstanding
20 discovery responses without objection by Friday, October 31, 2014. (ECF No. 185.)
21 On Monday, November 3, 2014, Plaintiff's counsel, James Hudson, copied the Court
22 on an email to Harshman explaining that the discovery responses had not been
23 received either electronically or by messenger. Rather than immediately email or call
24 Hudson to ensure that the discovery responses had been served by the Court-ordered
25 deadline, Harshman responded indifferently: "Check your inbox and/or spam folder;
26 link to download was sent Friday afternoon. Will follow up when back at computer."
27 Hudson confirmed that the responses were not in his inbox or spam folder.

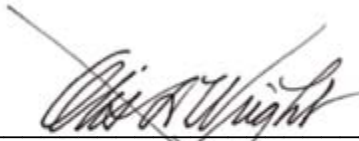
28 ///

1 This is the second time in as many weeks that Harshman has failed to comply
2 with a Court-ordered deadline and prevented Plaintiff's counsel from properly
3 preparing for the depositions of Morgan Clendenen and the PMK. These responses
4 have been due for three weeks and still have not been served. The Court will not
5 continue to reschedule deadlines because counsel refuses to follow Court orders.

6 Therefore, the Court **ORDERS** Harshman to **SHOW CAUSE**, in writing, **no**
7 **later than Thursday, November 6, 2014**, why the Court should not impose sanctions
8 for repeated violations of the Court's discovery deadlines. The Court **CONTINUES**
9 the depositions of Clendenen and the PMK to an appropriate date to allow Plaintiff
10 counsel to prepare for the depositions. Once this matter is resolved, a date will be set.

11 **IT IS SO ORDERED.**

12
13 November 3, 2014



14
15
16 **OTIS D. WRIGHT, II**
17 **UNITED STATES DISTRICT JUDGE**
18
19
20
21
22
23
24
25
26
27
28